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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,559	04/06/2001	Osamu Shibata	29288.0300	6490

20322 7590 08/07/2006

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EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,559

Applicant(s)

SHIBATA ET AL.

Examiner

Farid Homayounmehr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
KAMBIZ ZAND  
PRIMARY EXAMINER

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed 4/6/2001; amendment filed 5/18/2006.
2. Claims 1-47 are pending in the case.

### ***Response to Arguments***

3. Applicant argues that Ishibashi (Examiner's cited reference), does not teach limitations of claims 1 or 14, as Ishibashi's content provider 10 merely discloses that the key generation section 14 generates content encryption key Kce and content decryption key Kcd, but how these keys are generated by key generation section 14 is not disclosed in Ishibashi. However, the description of how the key is generated is described in first office action by referencing column 6 lines 1 to 20, and other parts of Ishibashi cited in claim 1 rejection. Applicant is also reminded that the encryption and decryption device of Ishibashi is not limited to item 10 of Fig. 8. Ishibashi's item 100 performs encryption and decryption, and item 200 also performs decryption.

Applicant further argues that Ishibashi fails to teach or suggest "generating the contents key based on a second decryption limitation obtained by updating a first decryption limitation". However, as pointed out in the first office action, column 6 lines 1 to 20

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describes that a contents key (Kcd) is generated based on an updated decryption limitation (an update in the number of copies made). Therefore, Ishibashi teaches the limitations as claimed.

Applicant further argues that the change in copy control is only performed in the user-side, and not in section 14 of content provider 10. However, the applicant is reminded again that item 100 in Fig. 8 is also a encryption device. In addition, the claims at hand have no limitation regarding the user-side.

Applicant further argues that Ishibashi only encrypts the already existing content decryption key. However, applicant fails to explain how it would traverse the rejection of claims.

Applicant further argues that Ishibashi fails to teach or suggest "the decryption device includes a second contents key generation section for generating the contents key from the second decryption limitation", because 'such "update" of copy control code is performed after content key decryption section 131 (by copy controller 137)'. However, applicant fails to explain why this would traverse the rejection. The claim at hand requires "the generation device includes a second contents key generation section for generating the contents key from the second decryption limitation". The update of copy control code is performed in the decryption device, and therefore meets the claim limitations.

Regarding claims 26 and 37, applicant's first argument based on the foregoing discussion is moot.

Second, applicant argues that the "second information processor fails to disclose a decryption limitation updating section for updating a first decryption limitation to a second decryption limitation in accordance with a decryption limitation updating rule". However, the copy control system, as mentioned in the above discussions and rejection of claims 1 and 14 in the following section, discloses an updating section for updating a first limitation to a second one.

Therefore, applicant's argument to traverse the rejection is moot. All claims are rejected based on the following section:

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 to 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishibashi (U.S. Patent No. 6,728,379 B1, filed July 28, 1999).

5.1. As per claim 1, Ishibashi is directed to a copyright protection system (column 1 line 22 to 25) comprising: an encryption device and a decryption device (Content Provider, item 10 and Information Processor, item 100 as depicted in Fig. 8), wherein cryptographic communication is performed between the encryption device and the decryption device (Figures 2 and 3 and the associated texts) using a contents key (Kce and Kcd), wherein the encryption device includes a contents storage section for storing contents (item 11 of Fig. 8), a first contents key generation section for generating the contents key (item 14 of Fig. 8 and associated text, and column 4 line 24 to 33) based on a second decryption limitation obtained by updating a first decryption limitation (column 6 line 1 to 20 discloses SCMS as an example system of a copy control scheme that uses control codes in set in the content and the associated encryption keys for copy control), and a first encryption section for encrypting the contents using the contents key (item 13 Fig. 8) and outputting the encrypted contents (item 15 Fig. 8), and wherein the decryption device includes a second contents key generation section for generating the contents key from the second decryption limitation (item 131 of Fig. 8 generates Kcd, which is used to decrypt the content. As the content was encrypted based on a copy control scheme, namely SCMS, the copy control code was updated and embedded in

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the content or the key (see column 10 line 53 to 66 and also column 13 line 47 to 60), accordingly) and a first decryption section for decrypting the encrypted contents using the contents key generated by the second contents key generation section (item 136 of Fig. 8 and associated text).

5.2. As per claim 2, Ishibashi is directed to a copyright protection system according to claim 1, wherein the decryption device further includes a decryption limitation updating section for updating the first decryption limitation to the second decryption limitation in accordance with a decryption limitation updating rule (column 12 line 4 to 15), and a second encryption section for encrypting the second decryption limitation using a time-varying key (column 12 line 33 to 43), and outputting the first encrypted decryption limitation, wherein the encryption device further includes a second decryption section for decrypting the first encrypted decryption limitation transferred from the second encryption section using the time-varying key to generate the second decryption limitation, wherein the first contents key generation section generates the contents key based on the second decryption limitation generated by the second decryption section (column 13 line 15 to 26. Note that the Content provider and the information system 100 also perform the SCMS method for inclusion of the copy control code to limit number of allowable copies at item 100. Therefore, content encryption and key generation at the content provider also involves updating encryption keys based on the control code and in accordance with the copy rights updated at the information center.).

5.3. As per claim 3, Ishibashi is directed to a copyright protection system according to claim 2, wherein the encryption device further includes a first common key storage section for storing a common key (column 9 line 4 to 10 discloses a mutual authentication between all elements in Fig. 8. Furthermore, the said mutual authentication is described in column 7 lines 33 to 65. Therefore, the content provider executes a mutual authentication method, namely ISO/IEC 9798-3, which will require establishment of a common key, and a location for storage), a decryption limitation storage section for storing the first decryption limitation (as described in response to claim 2, the content provider performs SCMS in association with the item 100 to establish a copy code, and therefore stores a copy code, which is updated in sync with item 100), a first random number generation section for generating a first random number, a first mutual authentication section for performing mutual authentication in association with the decryption device using the first random number, and a second random number transferred from the decryption device, a first time-varying key generation section for generating the time-varying key using the first random number and the second random number in response to the authentication by the first mutual authentication section (random number generation and exchange between two parties performing mutual authentication, and establishment of a session key, are part of a mutual authentication method, namely ISO/IEC 9798-3 performed between the content provider and item 100, as described in Fig. 6 and the associated text, and also column 5 lines 5 to 21), and a third encryption section for encrypting the first decryption limitation using the time-varying key and outputting the second encrypted decryption limitation



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(encryption using a session key is disclosed in column 7 lines 34 to 46), and wherein the decryption device further includes a second common key storage section for storing the common key, a second random number generation section for generating the second random number, a second mutual authentication section for performing mutual authentication in association with the encryption device using the second random number and the first random number, a second time-varying key generation section for generating the time-varying key using the second random number and the first random number in response to the authentication by the second mutual authentication section, and a third decryption section for decrypting the second encrypted decryption limitation using the time-varying key (again, item 100 performs SCMS for receiving the copy codes using a session key obtained thorough a mutual authentication).

5.4. As per claims 4 and 5 Ishibashi is directed to a copyright protection system according to claim 1, wherein the decryption device further includes a first decryption limitation updating section for updating the first decryption limitation to the second decryption limitation in accordance with a decryption limitation updating rule (column 6 lines 1 to 20), and a second contents key generation section for generating the contents key based on the second decryption limitation updated by the first decryption limitation updating section (column 10 line 42 to column 11 line 9), wherein the encryption device further includes a second decryption limitation updating section for updating the first decryption limitation to the second decryption limitation in accordance with the decryption limitation updating rule in response to the updating of the first decryption

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limitation by the first decryption limitation updating section, the first contents key generation section generates the contents key based on the second decryption limitation updated by the first decryption limitation updating section (the content provider and Information Processing Unit 200 both perform SCMS and implement copy code updating and secure exchange of the copy code).

5.5. As per claim 6, Ishibashi is directed to a copyright protection system according to claim 5, wherein the second decryption limitation updating section updates the first decryption limitation to the second decryption limitation in advance (column 10 lines 9 to 26 discloses the case when the content decryption and distribution decryption keys are supplied by the Key Distribution Center, item 30, and therefore are supplied in advanced), the first contents key generation section generates the contents key from the second decryption limitation, and the second decryption limitation updating section stores the second decryption limitation in the decryption limitation storage section in response to the start of processing by the first encryption section (see responses to claim 3 and 4).

5.7. As per claim 7, Ishibashi is directed to a copyright protection system according to claim 3, wherein the first and second time-varying key generation sections generate the time-varying key based on the first and second random numbers and the common key (time varying keys, and their generation is disclosed in method ISO/IEC 9798-3 for mutual authentication. See column 7 line 37).

5.8. As per claim 8, Ishibashi is directed to a copyright protection system according to claim 3, wherein the first and second contents key generation sections generate the contents key based on the second decryption limitation and the time-varying key (see response to claims 45 and 5).

5.9. As per claim 9, Ishibashi is directed to a copyright protection system according to claim 3, wherein the encryption device and the decryption device further include respective first and second data sequence key generation sections for generating a data sequence key based on a data sequence input to or output from the encryption device and the decryption device, and wherein the first and second time-varying key generation sections generate the time-varying key based on the first and second random numbers and the respective data sequence key(as described in column 13 lines 57 to 60 and column 14 lines 22 to 24, alternative and more comprehensive methods to secure the exchange of keys between the parties may be deployed. Sequence key generation is a well-known method to synchronize receiver and transmitter engaged in secure data transmission and improve the strength of encryption, as described in text books such as Bruce Schneier's Applied Cryptography, ISBN 0-471-11709-9, (see section 9.5). Ishibashi's disclosure of mutual authentication implies use of well-known methods to perform mutual authentication, such as sequence key generation).

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5.10. As per claim 10, 11, 12 Ishibashi is directed to a copyright protection system according to claim 3, wherein the encryption device and the decryption device further include respective first and second data sequence key generation sections for generating a data sequence key based on a data sequence input to or output from the encryption device and the decryption device, and wherein the first and second time-varying key generation sections generate the time-varying key based on the first and second random numbers, the common key, and the respective data sequence key (see response to claims 9, 3 and 4).

5.10. As per claim 13, Ishibashi is directed to a copyright protection system according to claim 3, wherein the first and second mutual authentication sections mutually authenticate the decryption device and the encryption device, respectively, by communication in accordance with a challenge-response type authentication protocol (as described in column 13 lines 57 to 60 and column 14 lines 22 to 24, alternative and more comprehensive methods to secure the exchange of keys between the parties may be deployed. Challenge-response is a well-known method to establish mutual authentication between parties, as described in text books such as Bruce Schneier's Applied Cryptography, ISBN 0-471-11709-9, (see section 3.2, page 54). Ishibashi's disclosure of mutual authentication implies use of well-known methods to perform mutual authentication, such as sequence key generation).

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5.14. As per claim 14, Ishibashi is directed to an encryption device for performing cryptographic communication in association with a decryption device using a contents key, comprising: a contents storage section for storing contents (fig. 8 item 11); a contents key generation section (item 14) for generating the contents key based on a second decryption limitation obtained by updating a first decryption limitation (column 6 lines 1 to 20, column 10 lines 53 to 66, and column 12 lines 25 to 44 disclose Ishibashi's use of SCMS, which controls the number of copies made from copyright protected material by updating limitations of copy codes in the content data and keys); and a first encryption section for encrypting the contents using the contents key and outputting the encrypted contents (item 16).

5.15. As per claims 15 to 25 Ishibashi is directed to an encryption device according to claim 14 (item 100 in Fig. 8 discloses both encryption and decryption devices, as it receives the encrypted content data from item 10, decrypts it to extract the content, and re-encrypts it in accordance with the copy control code (copy limitation) and sends it to item 200 (another Information Center), which perform decryption. As described in responses to claims 1 to 13, this process is secured by mutual authentication between items 10, 100, 200 and other elements in Fig. 8. Mutual authentication involves the use of encryption techniques such as time-varying keys, random number generation and use for key generation, challenge-response protocol, data segmentation, etc. Ishibashi also discloses SCMS method for copy control. In the following, the encryption device is disclosed by item 100, and decryption device is disclosed by item 200. Item 100 does

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disclose all the elements of claim 14, as it includes an encryption section, and performs SCMS to update the copy code sent to item 200), further including a decryption section for decrypting the first encrypted decryption limitation transferred from the decryption device (item 131) using the time-varying key to generate the second decryption limitation, and the contents key generation section generates the contents key based on the second decryption limitation generated by the decryption device (item 133 and the associated text, also see responses to claims 1 to 14).

5.16. As per claim 26, Ishibashi is directed to a decryption device (Fig. 8 item 100 or 200) for performing cryptographic communication in association with an encryption device (item 100 or 10) using a contents key, comprising: a decryption limitation updating section for updating a first decryption limitation to a second decryption limitation in accordance with a decryption limitation updating rule (the copy control mechanism as discussed in claim 1 in item 200, which performs SMCS protocol which includes updating a copy code, as described in column 6 line 1 to 20); a contents key generation section for generating the contents key from a second decryption limitation (item 231 generates the key to decrypt the content decryption key, which in accordance with SMCS includes a copy code (decryption limitation)); and a first decryption section for decrypting encrypted contents using the contents key generated by the contents key generation section (item 236 and the associated text).

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5.17. As per claims 27 to 36 Ishibashi is directed to a decryption device according to claim 26, further including an encryption section for encrypting the second decryption limitation using a time-varying key, and outputting the first encrypted decryption limitation (item 200 performs SMCS protocol which includes updating a copy code, as described in column 6 line 1 to 20).

5.18. As per claims 37 to 47, Ishibashi is directed to a recording medium storing a program for use in causing a computer to perform cryptographic communication with an encryption device (Fig. 8 item 100) a decryption limitation updating section for updating a first decryption limitation to a second decryption limitation in accordance with a decryption limitation updating rule (the copy control mechanism as discussed in claim 1 in item 200, which performs SMCS protocol which includes updating a copy code, as described in column 6 line 1 to 20); using a contents key, wherein: the program causes the computer to function as: a contents key generation section for generating the contents key from a second decryption limitation (item 133, as described in response to claim 15); and a first decryption section for decrypting encrypted contents using the contents key generated by the contents key generation section (item 131 as explained in response to claim 15, and response to claims 1 to 16).

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is (571) 272-3739. The examiner can be normally reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



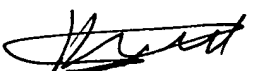
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***Farid Homayounmehr***

**7/24/2006**

  
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PRIMARY EXAMINER